

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK DELUCA,

Plaintiff,

v.

CITY OF PITTSBURGH, et al.

Defendants.

CIVIL ACTION

Case No. 2:18-cv-01567-CB

Judge Cathy Bissoon

JOINT STATUS UPDATE ON PLAINTIFF’S ATTORNEY’S FEE PETITION

AND NOW, comes Defendant City of Pittsburgh (“the City”) by and through its undersigned counsel, and Frank DeLuca (“Plaintiff”), by and through his undersigned counsel, and respectfully submits this Joint Status Update on Plaintiff’s Attorney’s Fee Petition:

1. On January 15, 2025, judgment was entered in favor of Plaintiff and against Defendants David Honick, David Lincoln, and Brian Burgunder. ECF No. 467.

2. Plaintiff’s counsel is therefore seeking attorney’s fees and the costs of prosecution of the case pursuant to 42 U.S.C.A. § 1988(b).

3. Since entry of judgment, counsel for Plaintiff and counsel for the City have engaged in good faith settlement discussions regarding the amount of attorney’s fees and/or costs that Plaintiff’s attorney is entitled to under 42 U.S.C.A. § 1988(b).

4. On January 29, 2025, counsel for Plaintiff and counsel for Defendants agreed on a settlement amount for Plaintiff’s attorney’s fees and/or costs of the case.

5. Pursuant to Federal Rule of Civil Procedure 54(d)(2), Plaintiff is required to file his motion for attorney’s fees “no later than 14 days after the entry of judgment[.]” Fed. R. Civ. P. 54(d)(2)(B)(i). Thus, had the parties here not reached a settlement, Plaintiff’s fee petition would have been due on January 29, 2025.

6. However, because the parties reached a settlement agreement, the payment must first be approved by Pittsburgh City Council. The process for settlement approval and payment through administrative channels of the City takes approximately twelve weeks from the submission of paperwork following a release of claims.

7. While the City does not foresee that the proposed settlement agreement will be denied, it is a possibility that the parties would like to bring to the Court's attention.

8. Thus, the parties provide this Court with this status update to reflect the following: (i) a settlement amount of attorney's fees and/or costs has been reached; (ii) the City will submit the agreement to City Council for approval; (iii) in the event that City Council does not approve the amount, the City will consent to Plaintiff seeking leave of this Court to file a fee petition after the applicable deadline under Rule 54; and (iv) when City Council approves the agreement, Plaintiff's counsel will file a praecipe to discontinue or similar filing to indicate that the matter has been fully resolved.

Respectfully submitted,

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